

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Brian K. Dewey et al.	Examiner:	Truong, Cam Y.T.
Serial No.:	10/021,392	Group Art Unit:	2169
Filed:	December 12, 2001	Confirmation No.	2633
		Docket No.:	14917.415US01/MS164055.1
Title:	METHOD AND SYSTEM FOR PROVIDING ACCESS TO CONSISTENT POINT-IN-TIME FILE VERSIONS		

**RESUBMITTED PETITION TO EXPUNGE PURSUANT
TO 37 CFR § 1.59 & MPEP § 724.05**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, a Petition to Expunge Pursuant To 37 CFR § 1.59 & MPEP § 724.05 ("Previous Petition") was previously submitted on November 14, 2007 with the documents listed on Exhibit A hereto ("Materials"), which were filed in sealed envelope(s) pursuant to MPEP § 724.02. **Neither an acknowledgement nor a decision was received on the Petition to Expunge.**

Prosecution on the above-identified application is now closed. A notice of allowance was mailed on December 23, 2008. Therefore, this Resubmitted Petition to Expunge is being filed.

To the extent that any of the Materials are found not to be important to a reasonable examiner in deciding upon patentability ("Criteria"), Petitioner requests that all of the Materials, or any portion of such Materials not meeting the Criteria, be expunged and removed from the official file for the above-identified application.

Pursuant to MPEP § 724.05, Petitioner makes the following statements:

1. The materials are proprietary subject to a legal obligation in: Commission of European Communities vs. Microsoft, Case No. COMP/C-3/37792 (hereafter, "Litigation");

2. The Materials have not otherwise been made public;
3. Petitioner commits to retain the Materials for the period of any patent with regard to which the Materials are submitted;
4. This petition to expunge is being made on behalf of the party in interest on whose behalf the Materials were submitted; and
5. The appropriate fee, as set forth in 37 C.F.R. § 1.17(g), should be charged for a large entity to Deposit Account No. 13-2725. **[NOTE: The fee was already been paid with the Previous Petition. However, the Commissioner is authorized to charge the appropriate fee if necessary to process this Resubmitted Petition to Expunge.]**

Please contact the undersigned if any further information is needed with respect to this petition. No fee is believed to be due with this filing. However, please charge any additional, necessary fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

Dated: March 23, 2009



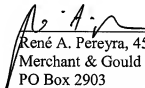

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Exhibit A
List of Materials Submitted Under Seal Pursuant to MPEP § 724.02

	Scull, Timothy B. <i>Opinion re: Consolidated Report on Patents and Patent Applications Covering the WSPP Protocols</i> . Letter from Bradford L. Smith to Philip Lowe re: Case No. COMP/C-3/37.792 (Microsoft Corporation) - Annex 4; December 14, 2005; pp. pp. 20-21.
	Microsoft Corporation. <i>Innovation Report Microsoft Server Message Block (SMB) Protocol and Extensions</i> . July 31, 2006; pp. 1-50.
	Microsoft Corporation. <i>Innovation Report Server Message Block 2.0 Protocol Specification</i> . July 31, 2006; pp. 1-35.
	Knauer, Reinhard. <i>Report on European Patents and Applications Corresponding to U.S. Patents and Applications Cited in Microsoft's 31 July 2006 Innovation Reports</i> . Appendix A,B, D and E; August 21, 2006.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - (SCNA and SMB2)</i> . Annex I to the Statement of Objections in Case 37792; February 22, 2007; pp. 19.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft Claimed Innovations Related to SMB2 (SMB2)</i> . Annex 5; February 22, 2007; Part 1, Section 4.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft Server Message Block Protocol and Extensions (SMB)</i> . Annex 5; February 22, 2007; Part 2, Section 29.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - (SMB, SMB2 and SCNA)</i> . Annex 4; February 22, 2007.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft Claimed Innovations Related to SMB2 (SMB2)</i> . March 3, 2007; Part 1, Section 4.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft Server Message Block Protocol and Extensions (SMB)</i> . March 3, 2007; Part 2, Section 30.

	Microsoft Corporation. <i>Innovations in Microsoft's Server Message Block Protocol and Extensions (SMB)</i> . Filed April 23, 2007; pp. 1-11.
	Microsoft Corporation. <i>Innovations in Server Message Block 2.0 Protocol Extensions (SMB2)</i> . Filed April 23, 2007; pp. 1-9.
	Musker, David. <i>State Marshaling Source - SMB Extensions</i> . Received June 1, 2007; pp. 3-4.
	Microsoft Corporation. <i>Microsoft's Comments on the "Trustee Summary Review of Microsoft Innovation Claims" dated 3 March 2007</i> . Appendix A; June 11, 2007; pp. 30-31 and 78-79.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 - (SMB) Server Message Block Protocol and Extensions (SMB) and (SMB2) Server Message Block 2 (SMB2)</i> . July 8, 2007; Sections 42 and 43.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 - (SCNA and SMB2)</i> . The Commission's Assessment of Microsoft's Innovation Claims (Annex Table); July 8, 2007; pp. 55-56.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 (Updated References)</i> . July 8, 2007.
	Microsoft Corporation. <i>Microsoft's Supplemental Comments on the "Trustee Summary Review of Microsoft Innovation Claims" dated 3 March 2007</i> . Filed July 13, 2007; Section XVII, pp. 33, 84-87.
	Microsoft Corporation. <i>Reply to Arguments Regarding Server Message Block Protocol and Extensions (SMB)</i> . Filed August 31, 2007; pp. 1-9.
	Microsoft Corporation. <i>Reply to Arguments Regarding Server Message Block 2.0 Protocol Extensions (SMB2)</i> . Filed August 31, 2007; pp. 1-4.